

MEMORANDUM

TO: Indiana State Board of Education

FROM: Kevin C. McDowell, General Counsel

RE: Approval of an Interlocal Agreement
Creating the Indiana Virtual Academy (IndVA)

DATE: January 22, 2008

Four Indiana public school corporations (Batesville, Jac-Cen-Del, Milan, and South Ripley) along with the Southeastern Career Center propose to enter into an Interlocal cooperation agreement to form the Indiana Virtual Academy (see attached).

The agreement is the product of numerous conversations and input from this office. The Agreement satisfies the requirements of I.C. § 36-1-7 *et seq.* Because the parties to the agreement are publicly funded schools and a career center, the approval of the State Board of Education, pursuant to I.C. § 36-1-7-5, is required. Such approval is recommended.¹

Enclosure

¹
IC 36-1-7-5 Agreements; approval of state officer or state agency having power to control services or facilities; reciprocal borrowing agreements Sec. 5. (a) Except as provided in subsection (b) and regardless of the requirements of section 4 of this chapter [approval of Attorney General], if an agreement under section 3 of this chapter concerns the provision of services or facilities that a state officer or state agency has power to control, the agreement must be submitted to that officer or agency for approval before it takes effect.